

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

MAURIE MOORE,

Plaintiff,

v.

CARVANA

Defendant.

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Civil Case No.: 4:22-cv-00201-Y

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**APPENDIX IN SUPPORT OF PLAINTIFF'S RESPONSE IN OPPOSITION TO  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

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<b>Pages</b>	<b>Description</b>
1	December 1, 2022 Email thread Re: Discovery Extension
2-3	December 13, 2022 Email thread Re: Discovery deficiencies
4	December 19, 2022 Email thread Re: Discovery deficiencies; Defendant's counsel response

Date: January 27, 2023

Respectfully submitted,

/s/ Eric Rogers

Eric D. Rogers

Lisa Scheibly

Eric.rogers@spielbergerlawgroup.com

Lisa.Scheibly@spielbergerlawgroup.com

SPIELBERGER LAW GROUP

4890 W. Kennedy Blvd., Suite 950

Tampa, Florida 33609

*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 27th day of January 2023, a true and correct copy of the foregoing has been filed with the Court using the Court's CM/ECF system which provided notice to all parties of record:

Kimberly R. Miers  
Texas State Bar No. 24041482  
kmiers@littler.com  
LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
2001 Ross Avenue  
Suite 1500, Lock Box 116  
Dallas, Texas 75201  
214.880.8100 (Telephone)  
214.880.0181 (Facsimile)

Emily R. Linn  
Texas State Bar No. 24109478  
LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
100 Congress Avenue, Suite 1400  
Austin, Texas 78701  
512.924.7087 (Telephone)  
512.532.6501 (Facsimile)

*Attorneys for Defendant*

**From:** Lisa Scheibly<lisa.scheibly@spielbergerlawgroup.com>

**Sent:** Thursday, December 1, 2022 1:34 PM

**To:** 'Linn, Emily' <ELinn@littler.com>; Eric Rogers<eric.rogers@spielbergerlawgroup.com>; Robyn Riddell<robyn.riddell@spielbergerlawgroup.com>

**Cc:** 'Miers, Kim Rives' <KMiers@littler.com>; 'Mendoza, Sandra'<SMendoza@littler.com>

**Subject:** RE: Carvana/Moore -- Defendant's Responses to Plaintiff's First Set of Discovery

Emily,

It was nice speaking with you earlier.

As we discussed, no objections to the one-week discovery extension rendering Defendant's responses due December 9, 2022. Please note however, we will not make our final determinations about who we wish to depose, outside of the 30(b)(6) representative, until after reviewing Defendant's production.

Regarding the 30(b)(6) deposition we will plan to take the deposition remotely. Thus, please provide availability for the first two weeks of January 2023, I don't imagine the deposition will run more than 4 hours.

For Ms. Moore's deposition, Ms. Moore is available the first two weeks of January 2023. Due to travel constraints, we would prefer to have Ms. Moore's deposition taken on a Monday or Friday; Jan 6, 9, 13, or even the 16th. Please let me know what dates would work on your end.

Lisa

**From:** Linn, Emily <[ELinn@littler.com](mailto:ELinn@littler.com)>

**Sent:** Thursday, December 1, 2022 10:48 AM

**To:** Lisa Scheibly <[lisa.scheibly@spielbergerlawgroup.com](mailto:lisa.scheibly@spielbergerlawgroup.com)>; Eric Rogers <[eric.rogers@spielbergerlawgroup.com](mailto:eric.rogers@spielbergerlawgroup.com)>; Robyn Riddell <[robyn.riddell@spielbergerlawgroup.com](mailto:robyn.riddell@spielbergerlawgroup.com)>

**Cc:** Miers, Kim Rives <[KMiers@littler.com](mailto:KMiers@littler.com)>; Mendoza, Sandra <[SMendoza@littler.com](mailto:SMendoza@littler.com)>

**Subject:** Carvana/Moore -- Defendant's Responses to Plaintiff's First Set of Discovery

Good orning Lisa,

Defendant Carvana's responses to your first set of discovery are due tomorrow, December 2. Would you agree to a one-week extension of our responsive deadline to Friday, December 9?

Thanks,

On Tue, Dec 13, 2022 at 12:21 PM <[lisa.scheibly@spielbergerlawgroup.com](mailto:lisa.scheibly@spielbergerlawgroup.com)> wrote:  
Emily,

As a follow up to our conversation yesterday afternoon, please see my proposed revisions.

Proposed Edits to Interrogatory 3: Identify by providing full name, job title(s), age at the time of termination, and dates of employment for all female employees in Defendant's employ from November 2017 – November 2019 who worked at Defendant's 1123 Cantrell Sansom Road, Blue Mound, Texas 76131 location who worked as an Inventory Associate 1 in the Detail or Inventory department.

- As we discussed, Defendant's size alone is not an objection that requires Plaintiff to limit her interrogatory under the Federal Rules. Furthermore, limiting production simply to Plaintiff's shift, one of three shifts, is akin to providing one-third of the information. Plaintiff is entitled to information across all three shifts.

Proposed Edits to Interrogatory 6: Identify the individual(s) who have held Plaintiff's position(s) or the equivalent between October 2019 – October 2021, at Defendant's 1123 Cantrell Sansom Road, Blue Mound, Texas 76131 location; including that individual's full name, gender, job title(s), and dates each so identified individual held that position.

- Plaintiff is entitled to information about who filled her position following her separation. Furthermore and as discussed, Plaintiff does not believe that an objection as to the interrogatory not being limited to employees who have personal knowledge of facts relevant to the claims and defenses at issue in this lawsuit is appropriate.

Proposed Edits to Interrogatory 21: Identify all female employees under Marvin Gray's direct supervision or who reported to Mr. Gray from November 2017 to Mr. Gray's separation from Defendant. Include all employees so identified dates of employment.

- In a good faith effort to confer, Plaintiff has limited the data points she is requesting.

Assuming Defendant is agreeable to the above, please have responsive production to our office by close of business this Friday, December 16, 2022.

Also as we discussed, please provide Cheyenne Fakas' last known contact information.

Finally, I look forward to receiving the proposed joint motion for extension of time.

Regards,  
Lisa

**Lisa Scheibly**  
Attorney  
Only Licensed in FL, MA, IL  
**Address:** 4890 W. Kennedy Blvd. Ste. 950 | Tampa, FL 33609  
**Tel.** (800) 965-1570 Ext. 157  
**Fax:** (866) 580-7499  
**Email:** [lisa.scheibly@spielbergerlawgroup.com](mailto:lisa.scheibly@spielbergerlawgroup.com)

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**From:** Linn, Emily <ELinn@littler.com>  
**Sent:** Monday, December 19, 2022 5:13 PM  
**To:** Lisa Scheibly <lisa.scheibly@spielbergerlawgroup.com>  
**Cc:** Miers, Kim Rives <KMiers@littler.com>; Robyn Riddell <robyn.riddell@spielbergerlawgroup.com>;  
Mendoza, Sandra <SMendoza@littler.com>  
**Subject:** RE: Moore v. Carvana, Follow-up to Conferral on Discovery Matters (CLID: 1907203006, Moore, Maurie)

Hi Lisa,

As a follow-up to our ongoing discovery discussion, below are our responses for the three outstanding interrogatory requests:

For Interrogatory No. 3, Defendant continues to believe that a list of all females at Defendant's Blue facility who held Inventory I, Associate Detail or Photobooth positions from Nov. 2017 to Nov. 2019 is overly broad, unduly burdensome and not likely to lead to the discovery of relevant information. Because Plaintiff is not willing to narrow the request, Defendant stands on its objections and will not produce the requested list.

For Interrogatory No. 6, Defendant will produce a list of individuals who were placed in Plaintiff's last known position (i.e., Inventory Associate I, Photobooth, Second Shift) for four weeks following her constructive discharge on November 19, 2019.

For Interrogatory No. 21, Defendant will produce a list of individuals who Marvin Gray oversaw as Line Lead in the Detail Department, Second Shift from January 1, 2019 to July 22, 2019.

Defendant is currently pulling this information, and will have an update for you on the status of gathering this information by end of day tomorrow, December 20.

Thanks,  
Emily

**Emily Linn**  
Attorney at Law  
512.982.7249 direct, 512.765.0927 mobile, 512.692.1845 fax  
[ELinn@littler.com](mailto:ELinn@littler.com)

Pronouns: She/Her



Labor & Employment Law Solutions | Local Everywhere  
100 Congress Avenue, Suite 1400, Austin, TX 78701